



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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Sub. S.B. 1

131st General Assembly
(H. Agriculture & Rural Development)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Passed by the Senate)	Sub. Version (LSC 131 0492-6)
Prohibition against application of fertilizer – exemption	Exempts a person in the western Lake Erie basin from the bill's prohibition against the application of fertilizer if the person incorporates the fertilizer within 48 hours of surface application (<i>R.C. 905.326(B)(2)</i>).	Instead exempts a person in the western Lake Erie basin from the bill's prohibition against the application of fertilizer if the person incorporates the fertilizer within 24 hours of surface application (<i>R.C. 905.326(B)(2)</i>).
Application of manure enforcement – civil penalties	Authorizes the Chief of the Division of Soil and Water Resources to assess a civil penalty against a person that violates the bill's prohibition against the application of manure only if the Chief affords the person an opportunity for an adjudication hearing to challenge the Chief's determination that the person violated the prohibition (<i>R.C. 1511.11(A)</i>).	Instead authorizes the Chief to propose to require corrective actions and assess a civil penalty against a person that is violating or has violated the bill's prohibition against the application of manure only if all of the following occur: (1) The person is notified in writing of the deficiencies resulting in a violation, the actions that the person must take to correct the deficiencies, and the time period within which the person must correct the deficiencies and cease violation;

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	Requires a person that has violated the bill's prohibition to pay a civil penalty in an amount established in rules adopted by the Chief not to exceed \$10,000 (R.C. 1511.11(C)).	<p>(2) After the time period specified in the notice has ended, the Chief or the Chief's designee has inspected the property where the violation occurred, determined that the person is still in violation, and notified the person of the opportunity for an adjudication hearing; and</p> <p>(3) The Chief affords the person an opportunity for an adjudication hearing to challenge the Chief's determination that the person is in violation of the proposed imposition of the civil penalty, or both (R.C. 1511.11(A)).</p> <p>Instead requires a person that has been assessed a civil penalty under the above provisions to pay a civil penalty in an amount established in rules adopted by the Chief not to exceed \$10,000 (R.C. 1511.11(C)).</p>
Application of manure enforcement – exclusion	No provision.	<p>Allows either of the following to request assistance from the Chief, the board of supervisors of the applicable soil and water conservation district, or another qualified person as determined by the Chief or the Chief's designee to develop technically feasible and economically reasonable measures or a plan and a schedule to implement the measures or plan in order to cease or prevent violation of the prohibition against the application of manure:</p> <p>(1) A person in the western Lake Erie basin that is in violation of the prohibition, but has not been notified under the bill of the deficiencies resulting in a violation; or</p> <p>(2) A person in the western Lake Erie basin that</p>



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	<p>No provision.</p> <p>No provision.</p>	<p>is not in violation of the prohibition, but whose future application may violate it. (<i>R.C. 1511.12(A).</i>)</p> <p>Requires the Chief, the board, or another qualified person, upon receiving a request for assistance, to develop or assist in the development of technically feasible and economically reasonable measures or a plan and a schedule to implement the measures or plan (<i>R.C. 1511.12(B).</i>)</p> <p>Precludes the Chief from making a determination of violation and assessing a civil penalty under the bill against a person that is violating or has violated the prohibition if any of the following applies:</p> <p>(1) The person has made a request for assistance from the Chief, the board, or another qualified person under the bill;</p> <p>(2) The person is receiving such assistance; or</p> <p>(3) The person is implementing the measures or plan in accordance with the schedule discussed above (<i>R.C. 1511.12(C).</i>)</p>
<p>Prohibition against application of sewage sludge</p>	<p>No provision.</p>	<p>Prohibits the Director of Environmental Protection, in issuing permits for sludge management under the Water Pollution Control Law, from allowing the placement of sewage sludge on frozen ground in conflict with rules adopted by the Director under that Law (<i>R.C. 6111.03(J)(1).</i>)</p>



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<p>Review of prohibitions against application of fertilizer and manure</p>	<p>Specifies that the bill's prohibitions against the application of fertilizer and manure cease to operate five years after the bill's effective date unless the standing committees of the General Assembly that are primarily responsible for agriculture and natural resources matters jointly recommend continuing the prohibitions and their enforcement (<i>Section 5(A)</i>).</p> <p>Requires the committees to jointly review the effectiveness of the prohibitions and their enforcement not later than four years after the bill's effective date and to issue a joint report to the Governor containing their findings and recommendations (<i>Section 5(B)</i>).</p> <p>Authorizes the committees to recommend revisions to the governing statutes if they recommend continuing the prohibitions and their enforcement (<i>Section 5(B)</i>).</p>	<p>No provision.</p> <p>Instead requires the committees of the General Assembly that are primarily responsible for agriculture and natural resources matters to jointly do both of the following:</p> <p>(1) Assess, not later than three years after the bill's effective date, the results of the implementation of the bill's prohibitions against the application of fertilizer and manure; and</p> <p>(2) Issue a report to the Governor containing their findings and any recommendations based on the assessment (<i>Section 5(A)</i>).</p> <p>Authorizes the committees to include in the report recommendations for revisions to or the repeal of the prohibitions (<i>Section 5(A)</i>).</p>
<p>Dredged material in Lake Erie and tributaries</p>	<p>Authorizes the Director of Environmental Protection, in consultation with the Director of Natural Resources, to determine that factors exist that result in the inability to comply with the bill's prohibition against depositing dredged material in Ohio's portion of Lake Erie and direct tributaries and then allow open lake placement</p>	<p>Instead authorizes the Director of Natural Resources to determine that such factors exist, and requires the Director of Environmental Protection, if the Director of Natural Resources makes the determination, to allow open lake placement of dredged material in Ohio's portion of Lake Erie or its direct tributaries through the</p>

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	<p>of dredged material in that portion of the Lake or its direct tributaries through the issuance of a section 401 water quality certification (<i>R.C. 6111.32(E)</i>).</p> <p>Authorizes the Director of Environmental Protection to consult with the Director of Natural Resources regarding the deposit of dredged material from harbor or navigation maintenance activities for specified facilities and projects, but specifies that the Director of Environmental Protection has exclusive authority to approve the location in which dredged material is proposed to be deposited (<i>R.C. 6111.32(D)</i>).</p>	<p>issuance of a section 401 water quality certification (<i>R.C. 6111.32(E)</i>).</p> <p>Instead requires the Director of Environmental Protection, in order to coordinate the activities and responsibilities established under the Water Pollution Control Law and the Coastal Management Law, to consult with the Director of Natural Resources when approving the location in which dredged material is proposed to be deposited (<i>R.C. 6111.32(D)</i>).</p>
<p>Review of prohibition against deposit of dredged material in Lake Erie</p>	<p>No provision.</p> <p>No provision.</p>	<p>Requires the committees of the General Assembly that are primarily responsible for environmental protection matters, not later than January 1, 2023, to jointly assess the results of the implementation of the bill's prohibition against depositing dredged material in Ohio's portion of Lake Erie and direct tributaries that resulted from harbor or navigation maintenance activities (<i>Section 5(B)</i>).</p> <p>Requires the committees jointly to issue a report to the Governor containing their findings and any recommendations based on the assessment, and authorizes the committees to include in the report recommendations for revisions to or the repeal of the prohibition (<i>Section 5(B)</i>).</p>

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Harmful algae management and response coordinator – duties	Requires the Director of Environmental Protection or the Director's designee, as the coordinator of harmful algae management and response, to develop and implement protocols for monitoring the tributaries of the western Lake Erie basin for phosphorous, nitrogen, and sediment runoff and other chemical and biological agents, as determined by the Director or the Director's designee, that may result in harmful algae, cyanotoxins, and other adverse impacts on the waters of the state <i>(R.C. 3745.50(C)(3))</i> .	No provision.
Study of nutrient loading to Ohio watersheds	<p>Authorizes the Director to study, examine, and calculate nutrient loading to watersheds in the Lake Erie basin and the Ohio River basin from point and nonpoint sources.</p> <p>Requires the Director or the Director's designee, in order to evaluate nutrient loading contributions, to use available data, including data on water quality and stream flow and point source discharges into those watersheds.</p> <p>Requires the Director or the Director's designee to report and update the study's results to coincide with the release of the Ohio Integrated Water Quality Monitoring and Assessment Report. <i>(R.C. 6111.03(T).)</i></p>	<p>No provision.</p> <p>No provision.</p> <p>No provision.</p>
Lead contamination of drinking water from plumbing	Prohibits using certain plumbing supplies and materials that are not lead free in the installation or repair of a public water system or of any plumbing in a facility providing water for human consumption rather than requiring certain plumbing supplies and materials that are used in	No provision.



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	<p>a public water system or in plumbing for facilities connected to a public water system to be lead free as in current law (<i>R.C. 6109.10(B)(1)</i>).</p> <p>Expands the list of plumbing supplies and materials to which the above prohibition applies to include plumbing fittings and plumbing fixtures (<i>R.C. 6109.10(B)(1)</i>).</p> <p>Generally prohibits a person from doing any of the following:</p> <p>(1) Introducing into commerce any pipe, pipe fitting, or plumbing fitting or fixture that is not lead free;</p> <p>(2) Selling solder or flux that is not lead free while engaged in the business of selling plumbing supplies; and</p> <p>(3) Introducing into commerce any solder or flux that is not lead free unless the solder or flux has a label stating that it is illegal to use it in the installation or repair of any plumbing providing water for human consumption (<i>R.C. 6109.10(B)(2) to (4)</i>).</p> <p>Establishes several exemptions from the above prohibitions, including pipes, pipe fittings, or plumbing fittings or fixtures that are used exclusively for nonpotable services (<i>R.C. 6109.10(D)</i>).</p> <p>Revises the definition of "lead free" by specifying that it means, in part, containing not</p>	<p>No provision.</p> <p>No provision.</p> <p>No provision.</p> <p>No provision.</p> <p>No provision.</p>



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	<p>more than a weighted average of .25% lead when used with respect to wetted surfaces of pipes, pipe fittings, or plumbing fittings or fixtures rather than not more than 8% lead when used with respect to pipes or pipe fittings as in current law (<i>R.C. 6109.10(A)(1)</i>).</p> <p>Establishes a formula for calculating the weighted average lead content of a pipe, pipe fitting, or plumbing fitting or fixture (<i>R.C. 6109.10(A)(1)</i>).</p>	No provision.
Emergency clause	Declares an emergency (<i>Section 7</i>).	No provision.

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